

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	FILED: APRIL 21, 2008
)	08CV2268 TC
v.)	No. JUDGE GETTLEMAN
)	MAGISTRATE JUDGE MASON
FUNDS IN THE AMOUNT OF)	
NINETEEN THOUSAND DOLLARS)	
(\$19,000.00))	
)	
Defendant.)	<u>JURY TRIAL DEMANDED</u>

VERIFIED COMPLAINT FOR FORFEITURE

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, for its verified complaint against the above-named defendant property alleges in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure as follows:

1. This complaint for forfeiture is verified by the attached affidavit of Special Agent James Jones of the United States Drug Enforcement Administration ("DEA"), which is fully incorporated herein.

Jurisdiction and Venue

2. This is an *in rem* forfeiture action brought pursuant to Title 21, United States Code, Section 881(a)(6), for forfeiture of funds in the amount of nineteen thousand dollars (\$19,000), which funds were furnished and intended to be furnished in exchange for a controlled substance, are the proceeds from the sale of a controlled substance, and were monies used and intended to be used to facilitate narcotics trafficking, in violation of 21 U.S.C. § 801, *et seq.* This court has jurisdiction over this action pursuant to Title 28, United States Code, Sections 1345 and 1355(a).

3. This court has *in rem* jurisdiction over the defendant property pursuant to Title 28, United States Code, Sections 1355(b)(1)(A) and (d), as certain of the acts giving rise to the forfeiture occurred within the Northern District of Illinois.

4. Venue is proper under 28 U.S.C. § 1395(b) because the defendant funds were found and seized within the Northern District of Illinois on September 21, 2007, and shall remain here during the pendency of this action.

Statutory Authority

5. This forfeiture action *in rem* is brought pursuant to Title 21, United States Code, Section 881(a)(6).

Specific Allegations

6. On September 21, 2007, DEA agents were investigating the activities of certain individuals believed to be arranging for the purchase of three kilograms of cocaine. From September 20, 2007 through September 21, 2007, multiple recorded conversations occurred amongst these individuals during which the details surrounding the purchase of kilogram quantities of cocaine were discussed. Once the arrangements were made, the potential purchaser advised the purported seller that he had to obtain the money. Because it was decided that only one kilogram would be purchased until the quality could be confirmed, the price agreed upon for the kilogram of cocaine was \$19,000.

7. On September 21, 2007, law enforcement agents conducting surveillance observed two cars traveling in tandem in the vicinity of Roosevelt and Mannheim Roads in Westchester, Illinois near the pre-arranged meeting spot where the individuals planned to exchange the cocaine for the \$19,000. Traffic stops were effectuated on each car and after obtaining consent from the driver of the Honda Accord, law enforcement agents found a white bag containing approximately

\$19,000. The driver, Martin Estrada, stated that there was approximately \$19,000 in the bag that he intended to use to purchase a new car.

8. The currency denominations for the seized currency are as follows: ninety-four (94) one hundred dollar bills, forty-four (44) fifty dollar bills and three hundred and seventy (370) twenty dollar bills for a total of \$19,000.

9. For the reasons stated herein and in the attached affidavit, there is probable cause to believe that funds in the amount of nineteen thousand dollars (\$19,000) were furnished and intended to be furnished in exchange for a controlled substance, are the proceeds from the sale of a controlled substance, and were monies used and intended to be used to facilitate narcotics trafficking, in violation of 21 U.S.C. § 801 *et seq.*, and are therefore subject to forfeiture and condemnation pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America requests:

A. That the defendant property be proceeded against for forfeiture and condemnation, that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed;


B. That the court adjudge and decree that the defendant currency be forfeit to the United States and disposed of according to law; and

C. The United States requests that any trial be before a jury.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By:

A handwritten signature in black ink, appearing to read "Marsha A. McClellan", written over a horizontal line.

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